THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4726 of 2005

08.11.2006

Between:

M/s.Saipriya Constructions Limited, Visakhapatnam-16
Represented by its Managing Director – Nidadavolu Venkateswara Prasad

… Petitioner

AND

The District Collector, Visakhapatnam
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4726 of 2005

ORDER:

The petitioner statedly purchased different extents of land in survey Nos.130/7 (part) and 130/8 (part) situated at Madhurawada in Visakhapatnam under agreements of sale-cum-General Power of Attorney. The petitioner's vendors are Ex-servicemen. Their names were effected in the revenue records. However, the second respondent issued the impugned letter dated 22.2.2005 to the petitioner stating that in view of the proceedings issued by the first respondent dated 10.1.2005, any transaction in respect of survey Nos.130/7 to 130/10 cannot be registered. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioner or their G.P.A. Holder and consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may

file appeal before the appellate authority i.e., District Registrar under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

November 08, 2006.

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